

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 1-34 are now pending.

Applicant and the undersigned wish to thank Examiner Barney for the courtesies extended during the interview of March 1, 2005. The amendments proposed and the arguments made are repeated herein for the record.

The specification has been amended above to underscore that the reinforcing rib constitutes a thick wall portion around the thin wall portion of the injection hole plate to provide clear antecedent basis for the generic claim language originally presented, e.g., in claim 13 and now presented in both claims 1 and 13.

The Examiner stated that claims 4, 5, 7, 12, 13-24 and 33 were withdrawn from further consideration. Although the Examiner has noted that the election was made without traverse, it is respectfully noted that the election made (without traverse) was of claims 1-3, 6, 8-11, 13-15, 18 and 22-32, all of which read on elected species B. The Examiner now asserts that claims 13-24 are directed (only) to the species of claims 1-6 "because claim 13 recites 'a thin wall portion and a thick wall portion', which is directed towards Figure 2". Although claim 13 does read on Figure 2, it is respectfully submitted that claim 13 also reads on the embodiment of Figures 6-10 and 11-12 so as to be generic to all disclosed species. In this regard, the embodiment of Figures 6-10 includes a thick walled portion as recited in claim 13 labeled by reference number 230 and the embodiment of Figures 11-12b also includes a thick wall portion as labeled at 230. For this reason, at least claims 13-15 and 18 should have been examined with claims 1-3, 6, 8-11 and 25-33. Rejoinder and consideration of claims 13-15 and 18 is therefore solicited.

The Examiner's return of copies of the Forms PTO-1449 filed with the Information Disclosure Statements submitted to date is noted with appreciation. However, the Form PTO-1449 filed with the March 5, 2004 Information Disclosure Statement has been only partially initialed. In this regard, it appears that the Examiner inadvertently failed to initial the listed "Other Document". The listed patent abstract of Japan was cited in the supplied European Search Report and a copy of the Patent Abstract of Japan as supplied by the European Patent Office was submitted with the Information Disclosure Statement. It is therefore respectfully requested that the Examiner now return a fully initialed copy of the March 5, 2005 Form PTO-1449. For the Examiner's reference, a copy of the partially initialed form is attached.

Original claims 1-3, 6 and 8-11 were rejected under 35 USC 102(b) as being anticipated by Hans. Applicant respectfully traverses this rejection.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, G.m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

Claim 1 has been amended above so as to refer more specifically to the characteristic structure shown in Figure 7, and also in Figures 2 and 11, for example, to wit the cover wall includes a thin portion through which at least one injection hole is

defined, and a thick walled portion which is located radially outward of the thin wall portion and has a wall thickness greater than that of the thin wall portion. In one example embodiment, the thick wall portion is a reinforcing rib as recited in new dependent claim 34.

The recited structure of the invention, the at least one injection hole formed through the thin wall portion, promotes atomization of the fuel, whereas the thick wall portion adds extra strength to the injection hole plate to limit deformation of the injection hole plate. Hans '215 does not in any way teach or suggest an injection hole plate having a thin wall portion through which at least one injection hole is defined and a thick wall portion, thicker than the thin wall portion defined radially outward of the thin wall portion. It is therefore respectfully submitted that claim 1 and the claims dependent directly or indirectly thereon are not anticipated by Hans. For the same reasons, claim 13, which also recites a fuel injection device having a thin wall portion and a thick wall portion, is not anticipated by nor obvious from Hans either.

New claims 35 and 36 have been added as suggested by SPE Scherbel during the interview.

Applicant notes with appreciation that claims 25-32 are allowed.

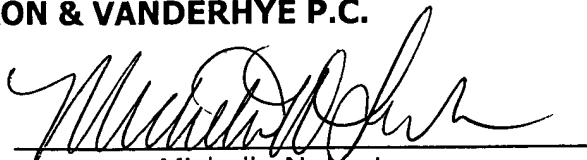
All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

TANI et al.
Appl. No. 10/619,607
March 1, 2005

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

A handwritten signature in black ink, appearing to read "Michelle N. Lester", written over a horizontal line.

Michelle N. Lester

Reg. No. 32,331

MNL:slj
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100